

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare – Cancellation of Scheduled Caste Certificate - Appeal Petition filed by Smt. A. Padmaja, W/o A. Nagabhushanam, R/o Suryapet (V) & (M) Nalgonda District U/S 7(2) of Act 16 of 1993 –Against the proceedings of the District Collector, Nalgonda dated: 28-6-2008 – Appeal rejected–Orders – Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No. 16

Dated: 24-02-2010.
Read the following:-

1. Proceedings of the District Collector, Nalgonda No.H7/18548/2004, dated: 28-6-2008
2. Appeal Petition filed by Smt. A. Padmaja W/o A. Nagabhushanam working as ARI, O/o of the Tahasildar, Mothey (M), Nalgonda District.
3. Govt.Memo No.5911/CV.1/2008, S.W.Dept., dated: 19-07-2008.
4. From the District Collector, Nalgonda Lr.No.H7/8603/2008, Dated: 17-9-2008.
5. Govt. letter No.5911/CV.1/2008-14, S.W.Dept, Dated: 05-01-2010.

ORDER:

One Sri. B. Ramanna, of Mahajana Sangarshana Samithi, Suryapet has filed a complaint before the District Collector, Nalgonda against Smt. A. Padmaja who is working as Revenue Inspector stating that she belongs to Kamsali (BC) caste and married to Sri. A. Nagabhushanam (SC) and obtained SC Caste certificate and she was appointed under SC quota and got promotion as Revenue Inspector under SC quota and requested the District Collector, Nalgonda to enquiry into the caste of Smt.A.Padmaja, W/o A. Nagabhushanam and take action to provide the reservation to the genuine SC candidates only.

2. The District Collector, Nalgonda has referred the matter to the Joint Collector and Chairman of District Level Scrutiny Committee, Nalgonda for enquiry and to take further action. The Joint Collector, Nalgonda has taken up the enquiry and placed the matter before the District Level Scrutiny Committee and that the committee has concluded that Smt. A. Padmaja, W/o Sri.A.Nagabhusanam belongs to Kamsali caste (BC) but obtained Scheduled Caste certificate by mis-representing the facts and by misguiding various authorities. After following the due procedure, the District Collector, Nalgonda has issued proceedings vide reference 1st read above, canceling the Scheduled Caste Certificate issued to Smt. A. Padmaja

3. Aggrieved by the proceedings of the District collector, Nalgonda, Smt. A. Padmaja has filed an appeal petition before the appellate authority, vide reference 2nd read above U/s 7(2) of Act 16/93 and requested for stay of all further proceedings pursuant to the proceedings of the District collector, Nalgonda, dated: 29/6/2008 pending disposal of the appeal and pass such further or other orders as deem fit and proper in the matter and she has submitted the following grounds:

- a. The proceedings of the Dist. Collector, Nalgonda is contrary to record and weight on evidence.
- b. The Dist. Collector, Nalgonda failed to appreciate the documents of evidence produced by the appellant.

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- c. The District Collector, Nalgonda and the committee solely relied upon the report of RDO Suryapet and came to a conclusion that the appellant belongs to Kamsali community and her father is A. Sunderaiah, S/o Krishna, which is contrary to record.
- d. The proceedings of the Dist. Collector Nalgonda are liable to be set aside since appellant was not given any opportunity of cross examining the witnesses who deposed against the appellant before the committee.
- e. The District Collector Nalgonda or the committee failed to see that the so called complaint is politically motivated since appellant has elected as MPTC of G.Tirumalagiri continued for about 2 years therefore the Complaint is at the behest of rival party people.
- f. The District Collector, Nalgonda failed to take note of the statement of Sri. B. Ramanna (complainant) who categorically complained that he gave the complaint without verifying the genuinity of the caste of the appellant and after complaint he enquired and came to know that appellant belongs to SC community only. Therefore he sought for permission for withdrawal of the complaint.
- g. The District Collector, Nalgonda did not take note of the above said statement of Sri.B.Ramanna before passing the impugned orders.
- h. The order of the District Collector, Nalgonda is liable to be set aside as the witnesses were examined behind the back of the appellant and therefore under the fear of the higher officials the witnesses (Official witnesses) deposed falsely and deposed into one of the RDO. The order is therefore liable to be set aside since it is in violation of Principles of Natural Justice.
- i. In the above circumstances appellant is filing the present appeal if the order is allowed to stand. The appellant may loose her appointment also therefore appellant is constrained to approach this Hon'ble authority for filing this appeal.

4. The Government have admitted the appeal petition and stayed the proceedings of the District Collector, Nalgonda vide reference 3rd read above and requested the Collector, Nalgonda to furnish parawise remarks and connected records on the appeal petition filed by Smt.A.Padmaja.

5. The District Collector, Nalgonda in his letter 4th read above has submitted parawise remarks on the grounds filed by Smt. A. Padmaja, which are as follows:

- I) The District Collector, Nalgonda has reported that the applicant Smt. A. Padmaja belongs to B.C."Kamsali" as per her school certificates issued by Head Master. Further, a complaint was received from Sri B.Ramanna, of Mahajana Sangarshana Samithi, Suryapet in which he has informed that Smt.Padmaja , Revenue Inspector, O/o Tahsildhar, Chivemla, Nalgonda Dist. originally belongs to "Kamsali"(B.C.) caste by birth. She married S.C. candidate and obtained S.C. certificate. While using the S.C. Certificate, she applied for appointment as Typist and selected under S.C. Quota, and there after promoted as Revenue Inspector.
- ii) The matter has been referred to the RDO, Suryapet and to the DEO, Nalgonda. The DEO, Nalgonda has verified the School records and reported that the Caste status of Smt. A. Padmaja is BC"Kamasali".

iii) The matter has also been referred to the DLSC, Nalgonda for scrutiny. Notices were issued to the appellant to attend the DLSC on 10-3-2008, but she has not attended on the date before DLSC. Hence, another notice was issued to the appellant to attend before the DLSC on 25-03-2008. She appeared before the DLSC on 25/03/2008 and she has deposed that she belongs to SC caste. In support of her claim, she has submitted CCs and TCs through counsel. All these CCs and TCs are proving that she belongs to SC Caste. But all the above documents were issued after her school education. Her Primary & High School certificate shows that she belongs to BC "Kamsali".

iv) The District Level Scrutiny Committee, Nalgonda has also verified the statement of Smt. Janakamma, mother and Sri.A.Nagabhushanam, husband of Appellant, and it is observed that they have given false statements to save the appellant from this issue.

v) She has submitted a written statement, giving the details of her parents, husband and residence and she has no relatives in gold Smith Caste. The appellant claiming the caste "S.C. Madiga" proved to be wrong in the enquiry. The RDO, Suryapet has not only enquired with the family members but also the following persons and recorded their statements.

1) Sri Paleti Arun, Municipal Councilor, Suryapet has stated that he personally knows the appellant and she belongs to BC "Kamsali".

2) Sri Yaragani Yadaiah, Correspondent, Raja Ram Junior College, Suryapet has deposed that, at the time of admission, the appellant has submitted Transfer Certificate in which the caste certificate along with the application form the caste was clearly mentioned as BC "KAMSALI". But she has submitted a caste certificate along with application form in which her caste is mentioned as SC. The former Principal has not observed the variation between the T.C. and Caste Certificate and considered the Caste of the appellant as SC.

3) The DLSC, Nalgonda have finally recommended for canceling the Caste Certificate issued in favor of Smt.A.Padmaja. Accordingly the District collector has cancelled the Scheduled Caste Certificate vide Proceedings in H7/18548/2004 dated 28/06/2008.

6. The case has been taken up for final hearing on 18-01-2010. The appellant has attended before the Appellate Authority for hearing on 18/01/2010.

7. The Govt., have observed that the Marriage cannot change the Community of a person, as has been held by the Apex Court repeatedly, latest in the case of Shoba Hymavati Devi Vs Setti Gangadharaswamy in CA.No.4413-4414 of 2003, dated: 28-01-2005. Here, Smt A.Padmaja belongs to Backwards Class Community got married with A.Nagabhushanam of Scheduled Caste Candidate. Hence, Smt.A.Padmaja W/o.Nagabhushanam would have claimed only her Community but not her husband's Community.

8. The Government, after careful examination of the facts, connected records and material papers along with the proceedings of the District Collector, Nalgonda and in exercise of the powers conferred u/s 7 of Act No.16 of 1993 observed and decided that the appeal petition filed by Smt.A. Padmaja, W/o Nagabhushanam does not deserve interference and it is hereby rejected, duly upholding the Proceedings issued by the District Collector, Nalgonda, No.H7/18548/2004, dated 28-06-2008.

9. The Collector & District Magistrate, Nalgonda District is requested to take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate,
Nalgonda.

Smt. A. Padmaja, A.R.I.,
W/o. Sri. A. Nagabhushanam,
Tahsildar's Office,
Atmakur-S (Mandal),
Nalgonda District.

Copy to:

The P.S. to M (SW)
The P.S. to Principal Secretary
SF.SC

// Forwarded:; By order //

SECTION OFFICER